

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	No. 19-cr-307-4
	:	
MANUEL LOPEZ AVITIA	:	
	:	

ORDER

AND NOW, this **27th day of November 2023**, upon consideration of Defendant Manuel Lopez Avitia's *pro se* Motion Pursuant to 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (ECF No. 528), the Government's Response in Opposition (ECF No. 544), and Defendant Manuel Lopez Avitia's *pro se* Motion for Leave to Amend his Pending Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody Pursuant to 28 U.S.C. § 2255, Under Fed. R. Civ. P. 15(C) (ECF No. 550), it is **hereby ORDERED** as follows:

1. Defendant Manuel Lopez Avitia's *pro se* Motion for Leave to Amend his Pending Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody Pursuant to 28 U.S.C. § 2255, Under Fed. R. Civ. P. 15(C) (ECF No. 550) is **GRANTED**. This Court has considered the arguments contained in this filing in its consideration of Defendant Manuel Lopez Avitia's Motion Pursuant to 28 U.S.C. § 2255. Accordingly, Defendant **SHALL NOT** file an amended motion.
2. For the reasons stated in the accompanying Memorandum, Defendant Manuel Lopez Avitia's *pro se* Motion Pursuant to 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (ECF No. 528, as amended by ECF No. 550) is **DENIED**.

3. A Certificate of Appealability **SHALL NOT** issue because reasonable jurists would not disagree as to this Court's ruling and because there is no substantial showing of a denial of a constitutional right.

BY THE COURT:

/s/ Chad F. Kenney

CHAD F. KENNEY, JUDGE

Cc: Pro Se

U.S. Attorney